

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

A.F. McCAULEY,)	
)	
Plaintiff,)	
)	Civil Action No. 2:01CV00080
v.)	Consolidated with
)	Civil Action No. 2:02CV00054
PURDUE PHARMA L.P., et al.,)	for Pretrial Purposes
)	
Defendants.)	
_____)	James P. Jones
)	United States District Judge
CHARLES C. BRUMMETT, et al.,)	
)	
Plaintiffs,)	Pamela Meade Sargent
)	United States Magistrate Judge
v.)	
)	
PURDUE PHARMA L.P., et al.,)	
)	
Defendants.)	
_____)	

PURDUE'S MOTION TO COMPEL WILLIAM C. MATNEY
TO COMPLETE A SUPPLEMENTAL DEPOSITION

Pursuant to Fed. R. Civ. P. 37(d), defendants Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, The Purdue Pharma Company, and The P.F. Laboratories, Inc. (collectively "Purdue"), by counsel, move the Court for an order compelling William C. Matney ("Matney") to complete his supplemental deposition, and, in support, state as follows:

1. By Order dated April 8, 2004, the Court ordered Matney and the other plaintiffs "to submit to supplemental depositions as scheduled on April 12 and 13, 2004."

2. Matney appeared for his supplemental deposition on April 13, 2004, at 1:00 p.m., but after approximately one and one-half hours of questioning, Matney requested that the deposition be recessed so he could go to work later that afternoon.

3. Purdue agreed to recess the deposition on the condition that it be resumed the next day, April 14, 2004, at 1:00 p.m.

4. Matney failed to appear on April 14, 2004.

5. Purdue has attempted to determine but, as yet, does not know why Matney did not appear on April 14 or whether he will voluntarily complete the deposition.

WHEREFORE, Purdue moves the Court for entry of the attached order compelling Matney to complete his deposition on April 26, 2004, at 10:00 a.m. and awarding Purdue its expenses.

/s/ Wade W. Massie
Wade W. Massie
VSB No. 16616
Attorney for Purdue Defendants
PENN, STUART & ESKRIDGE
P.O. Box 2288
Abingdon, Virginia 24212
Telephone: 276/628-5151
Facsimile: 276/628-5621

CERTIFICATE OF SERVICE

I hereby certify that on April 19, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Not applicable as no other attorneys are registered; and I further certify that I have faxed and mailed by United States Postal Service the document to the following non-CM/ECF participants: Emmitt F. Yeary, Esq., Yeary & Associates, P.C., 161 East Main Street, Abingdon, Virginia 24210; Neil L. Henrichsen, Esq., Henrichsen Siegel, P.L.L.C., 1850 M Street, N.W., Suite 250, Washington, D.C. 20036, and Douglas McNamara, Esq., Cohen Millstein Hausfeld & Toll, P.L.L.C., West Tower, Suite 500, 1100 New York Avenue, N.W., Washington, D.C. 20005-3964, counsel for plaintiffs.

/s/ Wade W. Massie
Wade W. Massie
VSB No. 16616
Attorney for Purdue Defendants
PENN, STUART & ESKRIDGE
P.O. Box 2288
Abingdon, Virginia 24212
Telephone: 276/628-5151
Facsimile: 276/628-5621